King County	Department of Adult and Juvenile Detention Adult Divisions General Policy Manual	
	Chapter 4 **Security & Use of Force**	
4.03.012, Shooting Review Board	Approved By:	Director John Diaz
	Effective Date:	August 13, 2021
	Reviewed By:	PRC
Distribution:	Review Date:	July 22, 2021

Purpose
To establish procedures for conducting a shooting review board.

Policy
It is the policy of this department to conduct an administrative review after any discharge of a firearm outside of the confines of training or during routine practice.

References
Garrity v N.J. 385 US 493 1967
RCW: 41.56
DAJD Policies: 4.03.014, Use of Force
4.03.005, Firearms

A. General Guidelines

1. The Shooting Review Board shall meet at the direction of the Director whenever a firearm is discharged in the line of duty.
2. Firearms discharged during training or routine practice shall not constitute the need for a Shooting Review Board.
3. If a firearm discharge might result in a criminal investigation against a staff member, The Review Board shall:
   a. Not be conducted if preliminary indications show possible criminal conduct. In such cases, the Board should convene after the criminal investigation and the Prosecuting Attorney's filing decision has been completed.
   b. Meet within thirty (30) calendar days after the completion of the prosecuting attorney's filing decision following a criminal investigation.
4. The Review Board may call any witnesses it deems necessary.
5. The Review Board shall form an opinion as to whether the incident was:
   a. Accidental vs. intentional.
   b. Justified vs. unjustified.
   c. A violation of Department policy.
   d. Due to either inadequate or improper training.
6. All staff members are required to cooperate with the review board. Failure to do so may result in disciplinary action.

7. Staff under review will be read the department's standard Garrity Admonishment prior to being interviewed by the Review Board.
8. Staff under review shall have union representation during the Review Board interview if they choose.
9. The union representative will have the ability to provide information or ask questions during the time the Review Board is interviewing the staff member under review.

B. Shooting Review Board Membership

1. The Shooting Review Board shall be composed of the following:
   a. The Deputy Director (Chairperson) or designee.
   b. The Kent Division Jail Commander or designee.
   c. The Seattle Division Jail Commander or designee.
   d. Department Firearms Instructor as appointed by the Director.
   e. Department Master Defensive Tactics Instructor as appointed by the Director.
   f. Court Detail Captain.
   g. An Officer, Sergeant, or Captain chosen by the Officer involved.
   h. Any additional members chosen by the Director or Chairperson.

C. The Chairperson's Responsibilities

1. The Review Board Chairperson shall:
   a. Ensure that all staff that are required to attend are notified at least fourteen (14) calendar days in advance of the review.
   b. Ensure that all reports, photographs, tapes, or any other pertinent information are provided to the Board members at least seven days in advance of the review.
   c. Choose a board member to act as secretary for the review.
   d. Advise all staff under review, at least seventy–two hours before any interviews, that:
      1. The Review Board is considered a Department Investigation.
      2. They are subject to the Department's standard Garrity Admonishment.
      3. They may have labor representation during the review; and
      4. The staff member's representative may review all statements and other evidence relevant to the incident under review.
   e. Inform the staff member, whose actions are under review, of its decision at the conclusion of the Review Board, except in reviews involving an inquest.
   f. Submit a written report of the Board's findings and recommendations to the Director within five working days of the conclusion of the Review Board.
      1. The findings and recommendations shall be by simple majority.
      2. The Secretary shall record the names of the dissenting members and their reasons for dissent.

D. Staff under Review

1. Staff ordered to appear before a Shooting Review Board shall do so.
2. Staff may have labor representation attend the Shooting Review Board in accordance with RCW 41.56.
3. Staff may call any witnesses on their behalf.

4. Staff are subject to being placed on paid administrative leave pending the outcome of any Review Board or Internal Investigation Unit (IIU) investigation if the Director or designee determines such leave to be necessary for the safe and effective operation of the department.

E. Findings and Recommendations of the Review Board

1. All findings and recommendations shall have the Director's final approval.
2. If the findings indicate the discharge of a firearm was:
   a. Unjustified or in violation of department policy, the matter shall be referred to IIU.
   b. Due to either inadequate or improper training, the matter shall be referred to the Training Unit for the proper retraining of the officer(s).
   c. Accidental, the matter shall be referred to either the IIU or the Training Unit for the appropriate resolution.
   d. Justified, the matter shall be referred to IIU for record retention.

F. Director's Responsibilities

1. The Director shall review the findings and recommendations of the Shooting Review Board within thirty (30) working days of the submittal of findings.
2. If the Director concurs with the Board, he shall forward the findings to IIU for records retention.
3. If the Director does not concur with the Board, he may ask the appropriate person(s) to investigate specific issues or concerns.
4. The Director shall set a reasonable deadline for any additional review(s).
5. The Director shall notify the involved Officer(s), in writing, of the findings and recommendations within forty-five (45) working days following final review.